

JEFFERSON COUNTY COMMISSIONERS
COURTHOUSE, BOX H
BOULDER, MT 59632
PHONE 406-225-4025
FAX 406-225-4148

KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
May 27, 2008**

Present: Commissioners Lythgoe and Notbohm; Mike Hoffman, County Planner; Dave Kirsch, Karl Siderts, John Gornick, Jan Anderson, *Boulder Monitor* and *Jefferson County Courier*; Don Burton, Bruce Suenram

Absent: Commissioner Weber

CALENDAR REVIEW

- 5/28 Watershed meeting - Twin Bridges - 7:00
- 5/29 Meeting with Anna Cossel - HUB Insurance - 10:00
Zoning Commission - 4:00
- 6/2 Ash Grove Citizen's Advisory meeting - 1:30

COMMISSION REPORTS

Commissioner Notbohm reported that he and Commissioner Weber had a meeting with Gary Habutzel on Friday regarding the county health insurance. Commissioner Lythgoe stated that he got a call from Gary earlier in the day, and the county's increase really is 4% rather than 16%. A mistake was made in the paperwork that was sent out.

SUBDIVISION REVIEW

FINAL PLAT APPROVAL – GORNICK MINOR SUBDIVISION

Mike Hoffman, County Planner, presented his staff report on this one-lot split located east of Whitehall. The parcel contains approximately 5 acres, and is proposed to be split into two lots measuring 1.67 and 3.33 acres in size. The developer will make a cash-in-lieu payment of \$569.43 to the local fire department. Mike recommended that final plat approval be granted. Commissioner Notbohm moved to grant final plat approval to the Gornick Minor subdivision. Commissioner Lythgoe seconded. The motion carried.

PRELIMINARY PLAT APPROVAL – BURTON MINOR SUBDIVISION

Mike Hoffman, County Planner, presented his staff report on this one-lot split located west of
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Whitehall. The parcel contains 20.01 acres and is proposed to be divided into two tracts measuring 7.81 and 12.19 acres in size. There are no new roads proposed in the subdivision, but approach permits are required and have been obtained from the US Forest Service. The developer will pay the volunteer fire department a cash-in-lieu fee of \$850.00. Mike recommended that preliminary plat approval be granted. Commissioner Notbohm moved to grant preliminary plat approval. Commissioner Lythgoe seconded. The motion carried.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

DISCUSS AND DECIDE REGARDING CITIZEN ROAD SAFETY CONCERNS ASSOCIATED WITH THE FROHNER MINE RECLAMATION PROJECT

Commissioner Lythgoe stated that the Commission office has received some correspondence from Bob Marks and Karl Siderits regarding this issue.

Karl thanked the Commission for scheduling this discussion, as he feels that it is important to get this information out to the public. He would like to briefly present his concerns and then briefly state six facts regarding this. He said that he is not an expert on this, and will welcome questions or corrections. He stated that he is not supportive of the Frohner Mine reclamation project, located north of Park Lake. Several years ago, the Montana DEQ developed a document outlining the reclamation project and giving seven alternatives. The original preferred alternative was to store some material on site and haul 10,200 cubic yards of the most hazardous materials, about 100 truck loads, to the Lutrell Pit. More recently, put out this March, there are two new alternatives. The new preferred alternative would haul these hazardous materials over Corral Gulch Road, down Lump Gulch Road, through Clancy, someplace along or near I-15, then through Jefferson City to someplace called Spring Creek Road, to Wickes, past some private residences to a newer BLM site. His second concern is that this is very costly the original project was to cost approximately \$400,000 and the new one is \$997,682.00 of public money. He noted that it is all public funds, there is no grant coming in. His third concern is that this plan doesn't adequately consider the people in the communities, because there really isn't identification of what these communities are. It never talks about the people. Another concern is that the document states that the materials will be hauled along I-15, but doesn't indicate if this means on I-15 or on the frontage road. His fifth concern is that this doesn't recognize the health impacts of bringing toxic materials to the communities, instead of keeping it where it has been for 100 years. His sixth concern is that noise pollution along the roads has not been evaluated, as well as dust pollution from the hauling. His seventh concern is that traffic control management has not been addressed to his satisfaction. He and his wife, as well as others, walk along that road, and there are also many bikers, 4-wheelers and horseback riders. He has heard that there will be some one way traffic. His eighth concern is the cumulative effect of the added traffic. He also feels that the document is inadequate from a NEPA standpoint.

Karl questioned why they would want to spend a half-million dollars more when there was a previous preferred alternative.

Karl stated that there was 1.75 miles of road construction from Frohner to Lutrell with the original alternative, and the cost would be a lot less. He realizes that the County Road Foreman met with DEQ to discuss the road. Karl noted that Federal funds can be used for safety hazards.

If this is actually going to occur and the County sees that some improvements are needed, it can be done.

He said that the original document states that “it provides satisfactory risk reduction”; both human health and ecological risks are reduced by 98% by keeping the material at the mine, at a reasonable cost. It also effectively reduces contaminant mobility. It’s up there, let’s keep it on-site. He feels that the DEQ needs to go back and do more homework. Commissioner Lythgoe asked if he has talked to DEQ. Karl stated that he talked to some of the people who worked on the project. Commissioner Lythgoe stated that he is sure that Karl asked specifically why they would go with a million-dollar project over a \$400,000+ project. Karl answered that they will do it because the money is there; Bob Marks got the same answer.

Commissioner Notbohm stated that when the study was done, it was a while ago. We all know what has happened with fuel costs, as well as others. Also, he noted that the Forest Service offered us \$50,000 years ago to upgrade Lump Gulch, and we have never gotten it. This section of road really needs some work. With the hauling of 2000 truckloads over that period of time, they will be further damaging a bad road. The Forest Service has closed off the area, closed the public road, so he can’t see why they would want to haul the ore out, as no one can go up there. He stated that Karl made some good points. Commissioner Lythgoe stated that one of Bob Mark’s points was why do anything at all, leave it alone and don’t spend any money. However, the huge issue that both have mentioned is the safety of everyone who uses the road, during the busiest recreation period. He feels that it is worthwhile for the Commission to look into this further and try to have a conversation with the DEQ. He feels that the safety concerns are the huge issue, if they are going to do anything at all. Karl stated that if DEQ says that it can’t be stored at Lutrell, it can be; Lutrell is a superfund site. Commissioner Lythgoe stated that he has to agree with Karl and Bob. He asked about the public meeting, if there was a large attendance and a large outcry. Karl stated that he was not able to attend the meeting. Commissioner Lythgoe asked Commissioner Notbohm if he feels we should write a letter to the DEQ. Commissioner Notbohm stated that he feels that something should be done. He can’t understand, with the talk of budget cuts, why this project would be front burner when there are so many more important projects out there.

Commissioner Notbohm stated that it might be appropriate to appoint someone to help us with this. Karl’s 41 years with the Forest Service could be beneficial.

DISCUSS AND DECIDE ON NEW JEFFERSON COUNTY FIRE WARDEN

Commissioner Lythgoe stated that Pat McKelvey has decided to step down from the Jefferson County Fire Warden position. Bruce Suenram has agreed to serve. Commissioner Lythgoe moved to appoint Bruce Suenram as Fire Warden and to send a letter of thanks to Pat McKelvey for his years of service. Commissioner Notbohm seconded. The motion carried.

APPOINT ADDITIONAL ELECTION JUDGES

Commissioner Lythgoe read the list of additional election judges, as submitted by the Clerk and Recorder (on file in the Clerk and Recorder’s office). Commissioner Notbohm moved to

appoint the election judges as presented. Commissioner Lythgoe seconded. The motion carried.

Bruce Suenram came into the meeting. Commissioner Lythgoe informed him that he had been appointed fire warden. Bruce asked who he reports to. Commissioner Lythgoe stated that he is the liaison to the fire council.

Commissioner Notbohm moved to adjourn. Commissioner Lythgoe seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER